

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1743
)	
BRUCE W. ANDERSON <i>et al.</i>)	Examiner: Warden, J.
)	
Serial No. 10/758,304)	Confirmation No. 5359
)	
Filed: January 14, 2004)	Atty. Docket No. GP106-10.CN2
)	
For: PENETRABLE CAP)	Filed VIA EFS

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b) & (c)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the attached PTO/SB/08a forms for consideration in connection with the examination of the above-identified application.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits. If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of mailing indicated below, then Applicants request that this Information Disclosure Statement be treated as a submission under 37 C.F.R. § 1.97(c) and that the fee due under 37 C.F.R. § 1.17(p) be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

IDS

Serial No. 10/758,304
Atty. Docket No. GP106-10.CN2

Applicants respectfully request that the Examiner indicate consideration of the cited references by returning a copy of the PTO/SB/08a forms with the Examiner's initials or other appropriate marks.

Respectfully submitted,

Date: May 9, 2007

By: /Charles B. Cappellari/
Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: 858-410-8927
FAX: 858-410-8928